

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:)	Group Art Unit: 2614
Andrew D. Flockhart)	Confirmation No.: 2319
Serial No.: 10/673,103)	Examiner: William J. Deane Jr.
Filed: September 26, 2003)	
Att'y. File No.: 4366-109)	<u>WITHDRAWAL OF</u>
Entitled: "METHOD AND APPARATUS FOR)	<u>CERTIFICATION UNDER</u>
ASSESSING THE STATUS OF WORK)	<u>37 C.F.R. §1.97(c)</u>
WAITING FOR SERVICE")	Electronically Submitted

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant previously submitted an Information Disclosure Statement ("IDS") on October 27, 2010. Therein, Applicant's representative incorrectly indicated that a certification under 37 C.F.R. §1.97(e)(2) was applicable to each reference listed in the IDS. A copy of the IDS filed on October 27, 2010, is attached hereto as Exhibit A.

The IDS was filed pursuant to 37 C.F.R. § 1.97(c):

An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

- (1) The statement specified in paragraph (e) of this section; or
- (2) *The fee set forth in § 1.17(p).*

(emphasis added).

However, the boxes for certification under 37 CFR §1.97(e)(2) were inadvertently marked on the IDS transmittal at page 3. Applicant's representative intended to submit the IDS in accordance to 37 C.F.R. § 1.97(c)(2) and, in fact, submitted the fee of \$180.00 as set forth in 37 C.F.R. § 1.17(p). This certification was unintentional and inadvertent. Applicant's representative respectfully requests withdrawal of the Certification under 37 CFR 1.97(c).

If additional information is required please contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: /Douglas W. Swartz/
Douglas W. Swartz
Registration No. 37739
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: March 22, 2011